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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/299,109 04/26/99 WINTERS

A 100522.1

EXAMINER

IM62/0608

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EL ARINI, Z

ART UNIT

PAPER NUMBER

1746

DATE MAILED:

06/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/299,109

Applicant(s)

Winters

Examiner

EL-Arini

Group Art Unit

1746

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/17/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-39 is/are pending in the application.
- Of the above claim(s) 22-39 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit: 1746

The amendment and remarks filed on April 17, 2000, have been acknowledged and entered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 12, 15, 17, 19, 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, lines 4-5 are confusing, and "the water becomes turbulent" is indefinite term. See paper No. 7.

In claims 12, 15, 17, 20-21, line 2, the term "is on" is confusing.

See page No. 7.

In claim 19, line 5, "reactive" is indefinite and confusing term.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '836 or Elmore or Meyer et al. in combination with Pacht (5,531,383 new reference).

Art Unit: 1746

JP '836 or Elmore or Meyer et al. as discussed supra in paper No. 7 do not teach the nozzle device as claimed.

Patch teaches a swivel jet assembly for a fluid distribution system delivers high pressure fluid from a pressurized fluid source to an object to be cleaned. See the abstract, col. 2, line 55- col. 3, line 24, col. 4, line 61- col. 5, line 7, col. 7, line 63- col. 8, line 56, col. 9, lines 3-25, and the claims.

It would have been obvious at the time applicant invented the claimed process to use the nozzle assembly taught by Patch in JP '836 or Elmore ore Meyer et al. process to obtain the claimed process. This is because one skilled in the art would use the Pacht nozzle assembly to improve the cleaning process and to reduce the amount of water or liquid used in the cleaning. One skilled in the art would adjust the pressure and the ratio of water and air to obtain optimum results.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in combination with Pacht.

Lee et al. as discussed supra in paper No. 7 do not teach the nozzle assembly as claimed.

Pacht as discussed supra teaches the nozzle assembly as claimed.

It would have been obvious at the time applicant invented the claimed process to use the nozzle assembly taught by Pacht in Lee et al. process to obtain the claimed process. This is because one skilled in the art would use the Pacht nozzle assembly to improve the cleaning

Art Unit: 1746

process and to reduce the amount of the cleaning liquid. One skilled in the art would adjust the ratio between the water and the air to obtain optimum results.

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Zeinab El-Arini at telephone number (703) 308-3320.

El-Arini/mm

zeinab elarini

June 8, 2000

**ZEINAB EL-ARINI
PRIMARY EXAMINER
GROUP 1300**